IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.1963 OF 2005

Mr/Abbasali Riyasat Hussain. .. Petitioner
v/s.
State of Mah. & ors. .. Respondents

Mr.S.D.Raikar for petitioner.
Ms.S. Shridharan, AGP for res.Nos.1 & 2.
Mr.A.G.Kothari for res.Nos.3 to 5.

CORAM : H.L. GOKHALE &
S.R. DONGAONKAR, JJ.

DATED : 27th March 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This petition is filed by a teacher for different prayers. As far as prayer (iv) is concerned it is for grant of approval to the petitioner's appointment from 12th September 2002. Ms.Shridharan, AGP, appearing for the State has drawn our attention to the order of the School Tribunal wherein it is recorded that there was no vacancy in which the petitioner could be regularised. The petitioner is continuing in the concerned school and the management will have to pay him his appropriate salary.

3. The case of the management is that the petitioner is teaching on the Divisions which are

increased in the natural course but the State is clearing the grants in a particular manner and according to the State, presently only 20% of the expenses could be cleared under the Government scheme. It will, therefore, be proper that the management challenges the decision of the State, if it so desires and hence on this prayer nothing much can be done.

4. Prayer (ii) of the Petition is for the arrears of salary. As far as that aspect is concerned, the same has been calculated. The arrears are in the range of Rs.3,62,000/-. In pursuance of the order passed on 13th March 2006, the management of the school has forwarded the bill to the Education Inspector on 25th of March 2006. That being so, Ms.Shridharan, on instructions, states that the amount will be cleared on or before 10th April 2006. The amount of Rs.Two Lakhs was to be first cleared and the school management was to forward bill for the remaining amount thereafter and the remaining amount will be cleared within two weeks subsequently. Ms.Shridharan has made this statement on the instructions of one Mr.Chandrakant Kamble, Deputy Education Officer, who is present in Court.

5. Petition stands disposed of with the above order.

(H.L. GOKHALE, J.)

(S.R. DONGAONKAR, J.)